

AUG 01 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

ARCELIA VIZCAINO; ENRIQUE
VIZCAINO,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-76522

Agency Nos. A95-401-336
A95-401-337

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006**

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Arcelia and Enrique Vizcaino, natives and citizens of Mexico, petition for review of the Board of Immigration Appeals' order affirming without opinion an

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

immigration judge's decision denying their applications for cancellation of removal. We dismiss the petition for review.

Petitioners' contention that the agency violated their due process rights by disregarding hardship evidence is not supported by the record and does not amount to a colorable constitutional claim. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005) (“[t]raditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction.”). Accordingly, we lack jurisdiction to consider the claim. *See id.*

PETITION FOR REVIEW DISMISSED.